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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,068	01/05/2005	Hirohisa Tanaka	71465.00010	5115

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AKERMAN SENTERFITT
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SUITE 600
WASHINGTON, DC 20004

EXAMINER

VANOY, TIMOTHY C

ART UNIT	PAPER NUMBER
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1754

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,068	Applicant(s) TANAKA ET AL.	
	Examiner Timothy C. Vanoy	Art Unit 1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>Nov. 3, 2006; Jan. 23, 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan Patent Document No. 11-262,663 A (hence "JP-663").

Paragraph no. 0018 et seq. in JP-663 describes a method for making $\text{Sr}_3\text{NiPtO}_6$ comprising the steps:

dissolving $\text{Sr}(\text{OC}_3\text{H}_7)_2$ in a mixture of 2-propanol and 2-methoxy methanol;

adding $\text{Pt}(\text{C}_5\text{H}_7\text{O}_2)_2$ to this mixed solution and stirring the solution at 70 °C for 12 hours;

adding this solution to a support dispersion liquid and also adding nickel $(\text{CH}_3\text{COO})_2 \cdot 4\text{H}_2\text{O}$ to the resulting solution and holding this mixture at 70 °C for 1 hour;

adding deionized water to the suspension to hydrolyze the components;

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(evidently) the resulting solids were calcined at 500 °C for 3 hours to obtain a catalyst powder of the general formula: $\text{Sr}_3\text{NiPtO}_6$.

Response to Arguments

Applicants' arguments submitted with the Amendment filed on Apr. 27, 2007 have been fully considered but they are not persuasive.

a) *The applicants argue that the 102 rejection based on JP 11-262,663 is in error because the Example set forth in JP-663 does not teach or suggest mixing organometal salts of elementary components including at least one noble metal constituting a perovskite-type composite oxide. Although in JP-633 an organic metal is supplied in preparation of an alkoxide solution, there is no indication in the cited portion of the reference that an organic metal salt is formed as part of a precursor of a perovskite-type composite oxide.*

No distinction is seen or has been shown between the "organometal salt of at least one noble metal" set forth in at least applicants' claim 1 and the $\text{Pt}(\text{C}_5\text{H}_7\text{O}_2)_2$ mentioned in paragraph no. 0018 in the English translation of JP-633. Note that the applicants' 132 Declaration uses a similar salt of $\text{Pd}(\text{C}_5\text{H}_7\text{O}_2)_2$ for the Example of their invention (which is further evidence of obviousness).

Response to 132 Declaration

Applicant's 132 Declaration filed on Apr. 27, 2007 has been fully considered but they are not persuasive.

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a) *The applicants have submitted a 132 Declaration which shows unexpected improvements in the purification of what appears to be a simulated automotive exhaust gas by using a catalyst composition that was prepared with palladium acetylacetonate $[Pd(CH_3COCHCOCH_3)_2]$ as compared to a catalyst that was prepared with palladium nitrate: please see Table 3 on pg. 5 in this 132 Declaration.*

The 132 Declaration is not persuasive because the applicants' use of palladium acetylacetonate $[Pd(CH_3COCHCOCH_3)_2]$ is obvious from JP-633's use of platinum acetylacetonate $[Pt(C_5H_7O_2)_2]$ to make their catalyst, as set forth in paragraph no. 0018 in the English translation of JP 11-262,663.

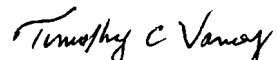
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy C. Vanoy whose telephone number is 571-272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy C Vandy
Primary Examiner
Art Unit 1754